

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN SMITH,

Plaintiff,

-against-

MR. M. YONNONE, DANIEL TARALLO, DIANNE  
SOMMER, and THE UNITED STATES OF AMERICA,

Defendants.  
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**ORDER**

18 Civ. 3371 (JCM)

Plaintiff John Smith ("Plaintiff"), proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983 against Defendant the United States of America ("Defendant") for alleged medical malpractice under the Federal Torts Claims Act, 42 U.S.C. §§ 1346(b), 2401(b), 2671-80. (Docket No. 2). Defendant filed its motion for summary judgment on October 7, 2022. (Docket No. 71). Along with its summary judgment motion, Defendant filed, *inter alia*, the Declaration of Assistant United States Attorney Brandon Cowart, (Docket No. 73), and two slipsheeted exhibit pages, (Docket Nos. 73-1 and 73-2). The slipsheets indicate that the exhibits were "Filed Under Seal." However, Defendant did not file the exhibits under seal on the docket. Accordingly, Defendant is hereby **ORDERED** to file Exhibits 1 and 2 to the Cowart Declaration under seal by August 8, 2023. Additionally, Defendant is **ORDERED** to file an Affidavit of Service confirming that Plaintiff was served with all of Defendant's motion papers, including Cowart Declaration Exhibits 1 and 2, by August 8, 2023.

Dated: August 4, 2023  
White Plains, New York

**SO ORDERED:**



JUDITH C. McCARTHY  
United States Magistrate Judge